



City of New London Port Authority/
Harbor Management Commission
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October 8, 2019

Mr. Micheal Grzywinski
Connecticut Department of Energy and Environmental Protection
Land and Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127

Subject: Application by the Connecticut Port Authority for a DEEP Permit to modify and expand the Connecticut State Pier in the New London Harbor Management Area

Dear Mr. Grzywinski:

The New London Harbor Management Commission (Commission) has conducted a preliminary review of the proposed project (Project) by the Connecticut Port Authority (CPA) for substantial work at the state-owned Connecticut State Pier in the New London Harbor Management Area.

Among other work, the CPA proposes: filling of an approximately seven-acre aquatic area to create additional land for port operations; demolition of existing buildings; maintenance dredging of vessel berthing areas; overall grading and compaction of the site; installation of bulkheads; and installation of new drainage and storm water treatment systems. As stated by the CPA, the primary purpose of the Project is to prepare the facility to accommodate storage and assembly of off-shore wind energy-generating structures and equipment. An application for a Department of Energy and Environmental Protection (DEEP) Permit needed to undertake the Project has been submitted by the CPA to the DEEP Land and Water Resources Division (LWRD).

In accordance with the coastal permitting process and requirements of the LWRD, all applicants for LWRD permits are required to submit pre-application plans for review by the affected municipal harbor management commission. In this instance, the CPA did not submit pre-application plans to the Commission prior to submitting an application to the LWRD. Following recognition of this oversight, the LWRD directed the CPA to discuss the Project with the Commission which would then have an opportunity to provide comments for consideration by the LWRD and CPA during the application review process. It is understood by the LWRD and CPA that the Commission currently is preparing a municipal Harbor Management Plan establishing provisions for beneficial use and conservation of the New London Harbor Management Area, including recommendations applicable to review of proposals affecting the State Pier.

On September 26, 2019, the Commission convened a Special Meeting to discuss the Project with CPA representatives. During that meeting, CPA representatives reported that additional information concerning the Project is being prepared by the CPA. That information will respond to a June 3, 2019 Notice of Insufficiency issued by the LWRD concerning the CPA's submitted Permit application.

The Commission continued to discuss the Project during its regular meeting on October 2, 2019. At that time, following significant discussion, the Commission voted unanimously to transmit the following comments and recommendations to the LWRD and CPA. It is the Commission's understanding that its comments and recommendations will be addressed by the LWRD and CPA in the ongoing Permit application review process.

Comments and Recommendations:

1. **Management planning:** Development and improvement of the State Pier should proceed according to a comprehensive management plan prepared by the CPA with significant input from the City of New London and other stakeholders, a robust public review process, and a detailed economic analysis of maritime industry opportunities and constraints. To the extent required by law, the Project should be consistent with the goals and requirements of the 1999 State Pier Municipal Development Plan (MDP) adopted by the City of New London and State of Connecticut to increase the efficiency of State Pier facilities. In addition, Project compliance with the requirements of the Connecticut Environmental Policy Act should be determined by the Office of Policy and Management prior to additional action on the CPA's submitted Permit application.
2. **Operational flexibility:** Retention of intermodal (water-, rail-, and land-based) port facilities capable of handling a diversity of bulk and breakbulk cargoes should be encouraged and supported at the State Pier as necessary to maintain sustainable revenue in response to future and changing market conditions. While the near-term opportunities for economic benefits associated with use of the State Pier to support the off-shore wind-energy industry are recognized, the Project should not diminish future port capabilities for docking, unloading, and storage of diverse cargoes. In this regard, the Project should not diminish future opportunities for use of existing rail connections.
3. **Navigation safety:** Waterborne commerce to and from the State Pier should be managed to avoid conflicts with military, commercial, and recreational vessels, including passenger ferries and fishing vessels, using the New London Harbor Federal Navigation Project (FNP), Thames River FNP, and other navigable waters in the New London Harbor Management Area, including, but not limited to, Winthrop Cove and waters offshore of the New London waterfront. CPA representatives have advised the Commission that the U.S. Coast Guard will have significant responsibilities for managing vessel traffic to and from the State Pier. The LWRD's Permit application review process should include formal consultation with the Coast Guard, U.S. Navy, General Dynamics Electric Boat, and Cross Sound Ferry, as well as consideration of comments from other stakeholders. This consultation should be for the purpose of determining any necessary Project modifications and Permit conditions to help avoid vessel conflicts and maintain navigation safety.

Priority attention should be given to avoiding conflicts between use of the State Pier and vessels operating in Winthrop Cove, including passenger ferries. Prior to LWRD action on the Permit application, consideration should be given to requiring a specialized risk assessment concerning the operation of passenger ferries in the vicinity of the proposed State Pier facilities. Any potentially significant impacts on ferry operations, including the Cross Sound Ferry Enhancement Project, an element of the National Marine Highway System, should be identified and avoided. Efforts to maintain navigation safety should utilize most effectively the authority of the State of Connecticut Harbor Master to station vessels pursuant to Sec. 15-8 of the General Statutes.

4. Commercial fishing operations: Any unavoidable Project impacts on existing and traditional commercial fishing operations at the State Pier, including displacement of docking facilities, should be properly mitigated so as not to result in any significant reduction of commercial fishing operations and facilities in the Harbor Management Area. When determining requirements for mitigating any unavoidable impacts on commercial fishing operations and facilities, priority consideration should be given to implementing plans now being prepared by the Commission for a new commercial fishing pier on the Downtown waterfront.
5. Harbor management consistency review: Although the CPA's pre-application plans for the Project were not provided to the Commission for review prior to submittal of the Permit application to the LWRD, all future plans and proposals for state permits and certificates necessary for use and development of the State Pier should be submitted to the Commission according to applicable regulatory requirements.
6. Federal Navigation Project management: Use of the New London Harbor and Thames River FNPs in support of use and development of the State Pier must be in accordance with the Corps of Engineers' "open to all on equal terms" policy and any local cooperation agreements concerning use of the FNPs. It should be recognized that the CPA's current proposal for "de-federalizing" the federal "branch" channel between the Admiral Shear and Central Vermont Railroad piers at the State Pier was not submitted to the Commission for review. Any future proposals for modifications of the FNPs as may be needed to meet requirements for safe and efficient navigation, public safety, and beneficial use and development of the State Pier should be pursued in accordance with the process previously established by Connecticut's Congressional delegation. That process would include review and approval by the Commission, endorsement by the Mayor of New London, and concurrence from DEEP.
7. Maintenance dredging: Environmentally sound maintenance dredging as needed to maintain safe and efficient navigation and continued viability of State Pier port facilities, including removal, treatment, or rendering suitable for beneficial re-use of any dredged material unsuitable for open water disposal should be encouraged and supported. In addition, the Commission supports and encourages establishment of a State Pier Dredged Material Management Plan approved by DEEP and the USACE with consideration of local and regional dredging needs and interests. To the extent feasible, consideration should be given to accommodating, in the Project's proposed fill area, placement of suitable

dredged material from City of New London dredging projects, including the currently planned projects to enhance public use of the Amistad Pier and City Pier on the Downtown waterfront.

8. Environmental stewardship and sustainability: Sustainable economic benefits generated by use and development of the State Pier should be pursued in coordination with efforts to protect, enhance, and sustain environmental quality, coastal resources, and ecological functions in the New London Harbor Management Area and Thames River. The Project should include “Green Port” initiatives to avoid, reduce, or otherwise mitigate any significant adverse environmental impacts, including air, noise, water quality, and fish and wildlife impacts, generated by construction activities and operation of the State Pier. (See no. 9 below.) Suitable Best Management Practices (BMPs) and storm water collection and treatment facilities in accordance with best available technology should be employed and maintained to manage, reduce where feasible, or otherwise control storm water runoff into the Harbor Management Area from the State Pier and thereby improve water quality in the Harbor Management Area.

To the extent feasible, “Green Port” initiatives and BMPs should be required through LWRD Permit conditions, including requirements for perpetual maintenance. In addition, any in-lieu fees and environmental enhancement projects needed to mitigate unavoidable adverse impacts of port development on coastal land and water resources, including impacts caused by the Project’s proposed fill area, should be applied, to the extent practical, in the New London Harbor Management Area and the affected Thames River environmental system. When determining environmental mitigation requirements, priority consideration should be given to implementing environmental enhancement projects identified by the Commission, including the Winthrop Cove restoration project and Alewife Cove revitalization project.

9. Construction impacts: Appropriate BMPs should be required during demolition and construction to ensure that the Project, including demolition and removal of debris, does not cause any significant adverse impacts on environmental quality, including water quality, in the Harbor Management Area. An effective Turbidity Mitigation and Monitoring Plan should be established and implemented as a condition of any LWRD Permit. Development of this plan should include: 1) pre-construction baseline monitoring of water quality conditions, including turbidity conditions. 2) establishment of threshold water quality values to be maintained throughout Project construction, including acceptable Nephelometric Turbidity Units (NTUs); 3) design and employment of BMPs during all construction operations; 4) water quality monitoring, including turbidity monitoring, on an ongoing basis during construction operations; and 5) establishment of conditions for suspension of construction, including filling operations, upon exceedance of the pre-determined NTU standards.

Stationing of construction vessels should be subject to any orders of the Harbor Master, pursuant to Sec. 15-8 of the General Statutes, needed to maintain safe and efficient operation of the Harbor Management Area.

10. Historic resources protection: State Pier land and water resources of historic significance, including but not limited to, the Central Vermont Railroad Pier included on the National Register of Historic Places, should be recognized and protected, in accordance with all applicable federal, state, and local laws, regulations, and ordinances.
11. Scenic quality: Design and operation of the State Pier should consider impacts on the existing and traditional scenic quality in the New London Harbor Management Area, including traditional views of the area from public properties. To the extent practical, adverse visual impacts that may affect the natural and traditional character, quality, or public enjoyment of the Harbor Management Area should be avoided. As part of the Permit application review process, the CPA should address how planned use of the State Pier may affect traditional views of the Harbor Management Area and New London waterfront and how any significant adverse impacts will be mitigated.
12. Thames River Boat Launch: The Project should not result in any long-term diminishment of public boat launching opportunities at the DEEP-managed Thames River Boat Launch. Any unavoidable construction impacts on public access to the Harbor Management Area from this facility should be properly mitigated so as not to result in any significant reduction of public access opportunities. When determining any necessary mitigation requirements, priority consideration should be given to implementing public access projects identified by the Commission.
13. Emergency preparedness and response capabilities : Necessary capabilities and facilities for effective response to emergency situations on and near the State Pier by responsible City, state, and federal authorities should be established and maintained, including, but not limited to, capabilities and facilities needed to respond to fires and fuel spill emergencies and to implement federal requirements for Homeland Security. An Emergency Operations Plan addressing the broad range of emergency situations and responses possible on and near the State Pier should be maintained and regularly tested by the facility operator. Emergency response activities should be coordinated to the maximum extent possible with the City of New London and neighboring municipalities and among responsible authorities.
14. Resiliency: As described to the Commission, planned elevation of the State Pier land surface will remain below the Base Flood Elevation. Accordingly, plans and measures to reduce the vulnerability of the State Pier to natural hazards, including but not limited to, flooding and wind hazards caused by hurricanes, coastal storms, rising sea level, and other weather and climate-related events and phenomena should be prepared and implemented. To the extent feasible, such plans and measures should be encouraged through LWRD Permit conditions. Actions to accelerate recovery and reduce the amount of resources, including public expenditures, needed to completely restore port facilities and infrastructure that may be damaged by coastal hazards are encouraged and supported. The Project should be in compliance with any applicable FEMA requirements for port construction and maintenance.

Please be advised that the Commission reserves its right to continue to review the Project and provide additional comments at such time as the proposal may be modified, be the subject of a Public Notice or Public Hearing, or additional information is provided, including information in response to the previously issued LWRD Notice of Insufficiency.

Also, at such time as the New London Harbor Management Plan is completed, the Commission will be reviewing all proposals affecting the New London Harbor Management Area for consistency with the Harbor Management Plan and will transmit specific findings and recommendations to the LWRD and other agencies as appropriate.

If you have any questions or require any additional information, please contact me at 860-460-3504 (cell) or kwalburn@snet.net.

Sincerely,



Kathy Walburn
Chair, New London Harbor Management Commission

cc (via email):

Hon. Michael Passero, Mayor of New London
Hon. Keith Hedrick, City of Groton
U.S. Congressman Joe Courtney
U.S. Senator Richard Blumenthal
U.S. Senator Chris Murphy
Ms. Susan Adams, General Dynamics Electric Boat
Mr. Dave Crocker, State of Connecticut Harbor Master, New London
Lt. Robert Garris U.S. Coast Guard Station New London
Mr. David Kooris, Acting Chair, CT Port Authority
Mr. Stan Mickus, Cross Sound Ferry
Captain Todd Moore Naval Submarine Base New London
Ms. Diane Ray, U.S. Army Corps of Engineers
Captain Kevin Reed U.S. Coast Guard Sector Long Island Sound
Mr. Joseph Salvatore, CT Port Authority
Mr. Adam Wronowski Cross Sound Ferry